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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,818	07/13/2007	Peter Dam Nielsen	006921.00018	5485
22907 7590 01/20/2010 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER GETACHEW, EZANA	
			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,818	<b>Applicant(s)</b> DAM NIELSEN, PETER	
	<b>Examiner</b> EZANA GETACHEW	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated  
by Maentyjaevri (EP 1109382)

**As per claims 1 and 7** Maentyjaevri teaches a method of preventing a user from activating a mobile telephone by accidental manipulation (See Maentyjaevri e.g. ¶ [0014]) lines [50-53] preventing unwanted / accidental activation) , of input means of the telephone (see Maentyjaevri e.g. 3 of fig 1) comprising the steps of: detecting (see Maentyjaevri e.g. 7 and 8 of fig 2) a change of state of motion of the telephone, followed by ( see Maentyjaevri e.g. ¶ [0013] lines [32-36] detecting a contact between the terminal and the skin of the user of the terminal by means of first by means of a first detector arrangement); determining (see Maentyjaevri e.g. figs. 1, 5, and 6 since the input and the input signal 41 of fig. 5 is controlled by the controller 12 of Fig. 1 of the terminal as such the controller makes the determination or decision for controlling a function of fig. 6 ) an absence of user-induced activity in the telephone (see Maentyjaevri e.g. e.g. ¶ [0030] lines [13-15] The mobile station may be correspondingly deactivated i.e. returned to the standby mode after the control unit no longer receives the signal i.e. the phone is not touched

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); depending on the detected change of state of motion and depending on the determined absence of user-induced activity (see Maentyjaevri e.g. ¶ [0030] lines [13-15] The mobile station may be correspondingly deactivated i.e. returned to the standby mode after the control unit no longer receives the signal i.e. the phone is not touched ); activating (see Maentyjaevri e.g. ¶ [0030] lines [13-15] the activation of the mobile station may be triggered by the control unit of the mobile station based on a received TTL level signal from the arrangement. The mobile station may be correspondingly deactivated i.e. returned to the standby mode after the control unit no longer receives the signal) ; an input means-lock function (see Maentyjaevri e.g. ¶ [0006] lines [1-8] a mobile station may be provided with a keyboard lock to prevent an accidental call establishment to a telephone number that is not actually selected and it is a function and/or operations that need to be controlled function such as switching the terminal between different modes as switching the terminal between different modes of operation, ¶ [0005] lines [54-57]) in the telephone (see Maentyjaevri e.g. , ¶ [0030] with respect to Fig. 6 along with change or mode (or state) of operation, and 3 of fig 1).

**As per claim 2** Maentyjaevri teaches detecting a change of state of motion comprises the steps of: - detecting that the telephone is substantially at rest (see Maentyjaevri e.g. ¶ [0030] lines [13-14] the mobile station may be corresponding deactivated); detecting that the telephone is in motion (see Maentyjaevri e.g. ¶ [0030] lines [7-8] activation of a mobile station that is in standby mode may be based on the output signal from the sensing arrangement).

**As per claim 3** Maentyjaevri teaches determining an absence of user-induced activity in the telephone includes monitoring, during a first predetermined time period, any activity induced

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by a user and, when said first time period has lapsed and user-induced activity has not been detected, establishing an absence of user-induced activity ( see Maentyjaevri e.g. ¶ [0036] lines [3-6] at least one of the sensing arrangements my also adapted such that it will take changes in the time of the day and /or seasons of the year or changes in conductivity of the component).

**As per claim 4** Maentyjaevri teaches a method detecting a change of state of motion of the telephone, from a state in which the telephone is in motion, to a state in which the telephone is substantially at rest and, having detected that the telephone is substantially at rest, continuing with the steps of claims 1 (see Maentyjaevri e.g. ¶ [0030] lines [13-14] the mobile station may be corresponding deactivated i.e. returned to the standby mode after the control unit no longer receives the signal).

**As per claim 10** Maentyjaevri teaches A computer program comprising software instructions capable of performing a method according to claims 1 (see Maentyjaevri e.g. ¶ [0030] lines [39-42] base on a signals from the first and second detector arrangements generating an output signal indicating that the surface of the terminal is in contact with the skin of the user i.e. inherently the controller include a software to perform these steps).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maentyjaevri (EP 1109382) in view of Miranda (US. 20050046580).

**As per Claim 5** Maentyjaevri does not teach the step of detecting that the telephone is substantially at rest includes monitoring, during a second predetermined time period, any motion of the telephone and, when said second time period has lapsed and motion of the telephone has not been detected, establishing that the telephone is substantially at rest. However in an analogous field of endeavor, Miranda discloses the step of detecting that the telephone is substantially at rest includes monitoring, during a second predetermined time period, any motion of the telephone and, when said second time period has lapsed and motion of the telephone has not been detected, establishing that the telephone is substantially at rest. (see Miranda e.g. ¶ [0020] lines [13-18] If the phone was not picked up within the specified time limit (typical value could be 10 seconds) at decision then the phone can immediately alert the user and optionally enter a security mode and eventually transmit an alert message (with location information) to the user). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to combine Maentyjaevri with Miranda to add a signal trace of an acceleration profile (over time) for a phone as it goes through the process of being dropped to the ground and subsequently being picked up a few seconds after is shown (see Miranda e.g. ¶ [0016] lines [1-4]) and (for detecting and locating of the portable communication device when missing so that a user can realize the their phone has been dropped or misplaced before the battery is potentially drained and the user miss a call (See ¶[0002])).

**As per claim 6** Maentyjaevri does not teach detecting motion includes detecting acceleration in any spatial direction However In an analogous field of endeavor, Miranda disclose detecting motion includes detecting acceleration in any spatial direction (see Miranda e.g. ¶ [0013] lines [1-6] Referring to FIG. 1, a portable communication device having a motion-sensing device such as an acceleration sensor or an accelerometer embedded in the device). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to combine Maentyjaevri with Miranda to add motion detector to monitor an acceleration profile at the portable communication device, and entering a secure mode which limits access to the portable communication device upon determining the acceleration profile matches a predetermined profile The predetermined profile can be a profile representing (see Miranda e.g. ¶ [0017] lines [3-7]).

**As per claim 8** Maentyjaevri dose not teach determining an absence of user-induced activity in the telephone includes means for monitoring, during a first predetermined time period, any activity induced by a user and, when said first time period has lapsed and user-induced activity has not been detected. However In an analogous field of endeavor, Miranda disclose determining an absence of user-induced activity in the telephone includes means for monitoring, during a first predetermined time period, any activity induced by a user and, when said first time period has lapsed and user-induced activity has not been detected (see Miranda e.g. ¶ [0018] lines [1-10] a method starts by monitoring the accelerometer's output and keeping track of the cumulative time that the acceleration is below a given threshold at decision . If the time limit (typical value could be 48 hrs) expires at decision before any significant change in acceleration is

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detected, then the method interprets this condition as an indication that the phone has not been moved and thus likely misplaced (or forgotten about) somewhere. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to combine Maentyjaevri with Miranda to add motion-sensing device that can detect the impact resulting if the phone were dropped (see Miranda e.g. ¶ [0013] lines [18-20]).

**As per claim 9** Maentyjaevri does not teach the means for detecting a change of state of motion includes means for detecting acceleration in any spatial direction However In an analogous field of endeavor, Miranda disclose the means for detecting a change of state of motion includes means for detecting acceleration in any spatial direction (see Miranda e.g. ¶ [0013] lines [1-6] Referring to FIG. 1, a portable communication device having a motion-sensing device such as an acceleration sensor or an accelerometer embedded in the device). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to combine Maentyjaevri with Miranda to add motion detector to monitor an acceleration profile at the portable communication device, and entering a secure mode which limits access to the portable communication device upon determining the acceleration profile matches a predetermined profile The predetermined profile can be a profile representing (see Miranda e.g. ¶ [0017] lines [3-7]).



*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kim (U.S. 200602930) Reward based interface for a wireless communications device.

B) Wardimon (U.S. 7498951) Motion sensitive illumination system and method for a mobile computing device.

C) Komsi (U.S. 7024228) Movement and attitude controlled mobile station control.

D) Nishitani (U.S. 20030045274) Mobile communication terminal, sensor unit, musical tone generating system, musical tone generating apparatus, musical tone information providing method, and program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EZANA GETACHEW whose telephone number is (571)270-7271. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EZANA GETACHEW/  
Examiner, Art Unit 2617

/KAMRAN AFSHAR/  
Primary Examiner, Art Unit 2617